

JOHN R. BAILEY
Nevada Bar No. 0137
JOSHUA M. DICKEY
Nevada Bar No. 6621
PAUL C. WILLIAMS
Nevada Bar No. 12524
BAILEY ♦ KENNEDY
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148-1302
Telephone: 702.562.8820
Facsimile: 702.562.8821
JBailey@BaileyKennedy.com
JDickey@BaileyKennedy.com
PWilliams@BaileyKennedy.com

*Attorneys for Defendants SmartCareOS, LLC;
Smart Tuition Holdings, LLC; and Lyrical
Partners, L.P.*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANDREW GOLDBERGER, an individual;

Plaintiff,

vs.

SMARTCAREOS, LLC, a Delaware limited
liability company; SMART TUITION
HOLDINGS, LLC, a Delaware limited liability
company; LYRICAL PARTNERS, L.P., a
Delaware limited partnership; DOES 1 through
10; ROE ENTITIES 11 through 20, inclusive,

Defendants.

Case No.: 2:16-cv-01884-RFB-NJK

**STIPULATION AND ORDER EXTENDING
DEADLINE FOR JURISDICTIONAL
DISCOVERY (APPLICABLE TO LYRICAL
PARTNERS, L.P.) AND DEADLINE TO
RENEW MOTION TO DISMISS OR
RESPOND TO COMPLAINT**

(FIRST REQUEST)

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Andrew
Goldberger (“Plaintiff”) and Defendants SmartCareOS, LLC (“SmartCare”); Smart Tuition
Holdings, LLC (“Smart Tuition”); and Lyrical Partners, L.P. (“Lyrical”) (collectively, the “Parties”),
through their undersigned counsel, as follows:

1. Pursuant to the Court’s Order on Defendants Motion to Dismiss and the Parties’
Jurisdictional Discovery Plan and Scheduling Order (Applicable to Lyrical Partners, L.P.) [ECF No.
40] (“Jurisdictional Discovery Plan”), Plaintiff’s deadline to complete jurisdictional discovery is
September 21, 2017. Following the jurisdictional discovery cutoff, Lyrical may renew its Motion to

Dismiss Plaintiff's claims against Lyrical for lack of jurisdiction by October 2, 2017. If Lyrical chooses not to renew its Motion to Dismiss, its Answer to the Complaint is due by October 2, 2017.

2. Plaintiff and Lyrical have engaged in written discovery concerning jurisdictional matters, Plaintiff desires to take approximately seven depositions concerning discovery. Some of those depositions will occur out of state (i.e. in New York) and at least one witness will be traveling from out of state to Nevada.

3. The Parties have agreed to extend the jurisdictional discovery deadline from September 21, 2017, until October 5, 2017. Likewise, the Parties have agreed to extend the related deadline for Lyrical Partners, L.P. to renew its Motion to Dismiss or to file an Answer from October 2, 2017 to October 16, 2017.

4. The Parties submit that good cause exists for the extension. A number of depositions will occur out of state and at least one witness will be traveling from out of state to Nevada for deposition. The Parties are seeking to group the depositions to eliminate excess travel. However, due to existing schedules of the deponents and counsel, the depositions cannot be completed by September 21, 2017. The Parties have discussed and identified available dates and therefore have requested only a two week extension.

DATED this 31st day of August, 2017.

BAILEY❖KENNEDY

By: /s/ Joshua M. Dickey

JOHN R. BAILEY

JOSHUA M. DICKEY

PAUL C. WILLIAMS

8984 Spanish Ridge Avenue

Las Vegas, Nevada 89148

*Attorneys for Defendants SmartCareOS, LLC;
Smart Tuition Holdings, LLC; and Lyrical
Partners, L.P.*

DATED this 31st day of August, 2017.

MCDONALD CARANO WILSON LLP

By: /s/ Aaron D. Shipley

AARON D. SHIPLEY

RORY T. KAY

2300 West Sahara Avenue

Suite 1200

Las Vegas, Nevada 89102

Attorneys for Plaintiff Andrew Goldberger

IT IS SO ORDERED:



RICHARD F. BOULWARE, II

United States District Judge

DATED: August 31, 2017.